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9 PHILLIP MURRY

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11 **UNITED STATES DISTRICT COURT**  
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13 **DISTRICT COURT FOR THE DISTRICT OF NEVADA (LAS VEGAS)**

14 PHILLIP MURRY,  
15 Plaintiff,

16 vs.

17 CITY OF NORTH LAS VEGAS  
18 POLICE DEPARTMENT; SGT.  
19 MICHAEL BOOKER; and DOES 1-  
20 10, inclusive,

21 Defendants.

**Case No. 2:17-cv-00157-APG-CWH**

**STIPULATION AND ORDER TO  
EXTEND DISCOVERY  
DEADLINES – DEPOSITIONS  
ONLY**

**(FIRST REQUEST FOR  
DEPOSITIONS, FOURTH  
OVERALL)**

22 Pursuant to LR 6-1 and LR 26-4, the parties, by and through their respective counsel of  
23 record, hereby stipulate and request that this Court extend discovery in the above-captioned case  
24 forty-five (45) days, up to and including April 2, 2018. In addition, the parties request that the  
25 dispositive motions and pretrial order deadlines be extended accordingly as outlined herein. In  
26 support of this Stipulation and Request, the parties state as follows:

27 **1. Discovery Completed to Date:**

- 28 a) The Parties participated in a conference, as required by Fed. R. Civ. P. 26(f) and LR 26-1(a),  
on April 26, 2017.
- b) All Parties served their respective initial disclosures:

- 1 a. Plaintiff, Phillip Murry (“Murry”) served his initial disclosures on May 10, 2017;
- 2 b. Defendants, City of North Las Vegas Police Department (“NLVPD”) and Sgt.
- 3 Michael Booker (“Booker”) served their initial disclosures on May 30, 2017.
- 4 c) Defendants served their first supplemental disclosures on June 29, 2017.
- 5 d) Plaintiff served Defendant, NLVPD with his first written discovery requests on May 23,
- 6 2017, which included requests for admission and requests for production of documents.
- 7 e) Defendant NLVPD served its responses to Plaintiff’s first written discovery requests
- 8 (following an agreement among the parties to a two-week extension to the deadline for
- 9 Defendant to serve its responses) on July 7, 2017.
- 10 f) Defendant City of North Las Vegas served written discovery requests in June 8, 2017.
- 11 Plaintiff served responses to Defendants’ first requests for production of documents and first
- 12 interrogatories on July 13, 2017.
- 13 g) Plaintiff took the deposition of Sgt. Booker on July 27, 2017.
- 14 h) Defendant took the deposition of Plaintiff on July 28, 2017.
- 15 i) Plaintiff took the deposition of Sgt. Mark Suranowitz on September 27, 2017.
- 16 j) Plaintiff took the deposition of Officer Robert Knickerbocker on September 28, 2017.
- 17 k) Plaintiff took the deposition of Lt. James Brown on October 12, 2017.
- 18 l) Defendant took the deposition of Ira Weiner, M.D. on November 15, 2017.
- 19 m) Plaintiff took the deposition of Hugh Selznick, M.D. on February 1, 2018.
- 20 n) Additional written discovery has been served by Plaintiff, and a request for *in camera* review
- 21 will be submitted by February 7, 2018.

22 **2. Discovery Remaining:**

- 23 a) Plaintiff intends to take the depositions of NLV’s 30(b)6 witness(es), Defendants’ expert
- 24 Ken Katsaris, Sgt. Matt Faye and the NLV Chief of Police (currently scheduled for February
- 25 26, 2018.)
- 26 b) Defendant will take the deposition of Plaintiff’s Expert Roger Clark sometime in late
- 27 February or March 2018.

1 c) Plaintiff will inspect the Glock 9 mm handgun that Defendant Michael Booker discharged  
2 on January 3, 2017.

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4 **3. Why Discovery has not been completed:**

5 This request for an extension of time is not sought for any improper purpose or other purpose  
6 of delay. This is the fourth request made to this Court for additional time in which to conduct  
7 discovery, but pertains only to conducting the remaining depositions.

8 The parties have been diligently working to determine the availability and identity of  
9 remaining witnesses, and are currently in the process of preparing and filing a stipulation and order  
10 for in-camera review regarding confidential personnel files of the officer defendant in this matter.  
11 The parties must also coordinate the depositions of two experts, as the deposition of Plaintiff's  
12 expert was continued after a required court appearance was moved to the date his deposition was  
13 scheduled.

14 The following is a list of the current discovery deadlines and the parties' proposed extended  
15 deadlines.

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Scheduled Event	Current Deadline	Proposed Deadline
Discovery Cut-off	February 16, 2018	April 2, 2018 – Depositions Only
Dispositive Motions	March 19, 2018	May 2, 2018
Joint Pretrial Order	April 18, 2018	June 1, 2018, or at least thirty (30) days after the decision of last Dispositive Motions

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23 This Request for an extension of time is not sought for any improper purpose or other  
24 purpose of delay. Rather, it is sought by the parties solely for the purpose of allowing sufficient  
25 time to complete depositions in this case and adequately prepare their respective cases for trial.

26 This is the first request for an extension of the date related to depositions, and the fourth  
27 request overall, for extension of time in this matter. The parties respectfully submit that the

1 reasons set forth above constitute compelling reasons and good cause for the short extension.

2 WHEREFORE, the parties respectfully request that this Court extend the discovery period  
3 by forty-five (45) days from the current deadline of February 16, 2018 up to and including April 2,  
4 2018 and the other discovery dates as outlined in accordance with the table above.

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6 Dated: 2/5/2018  
LAW OFFICES OF PETER GOLDSTEIN

7 BY: /s/ Peter Goldstein  
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9 Bar No. 6992  
10 10795 West Twain Ave., Ste. 110  
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Dated: 2/5/2018  
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Attorneys for Defendants

12 **ORDER**

13 IT IS SO ORDERED.

14 Dated this February 6 \_\_\_\_\_, 2018.

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18 U.S. DISTRICT COURT JUDGE  
19 U.S. MAGISTRATE JUDGE  
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